



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
Executive Director

JOHN R. BAZA  
Division Director

Outgoing  
C0070033  
#3593  
OK

August 23, 2010

Mr. Dave Shaver, Resident Agent  
Andalex Resources, Inc.  
P.O. Box 910  
East Carbon, Utah 84520-0910

Subject: Denial and Deficiency List, Division Order Response, Task ID #3593, Andalex Resources Inc., Wildcat Loadout, C0070033

Dear Mr. Shaver:

The Division has reviewed your application received July 15, 2010 providing the response from Andalex Resource Inc. (Andalex) to Division Order DO-04A to address windblown coal fines from the Wildcat Loadout facility. With this submittal, Andalex has shown great progress at addressing the components of DO-04A and the deficiencies identified during our review of previous submittals. The Division has, however, determined that there are some deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met and an approval can be granted. The majority of the deficiencies identified relate to discrepancies in Ownership and Control information included in the application package.

Deficiencies are listed as an attachment to this letter. Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of Andalex's response to that particular deficiency.

The plans as submitted are denied. Please resubmit the entire application. If you have any questions please contact Jim Smith at (801) 538-5262 or Kevin Lundmark at (801) 538-5352.

Sincerely,

James D. Smith  
Permit Supervisor

JDS/KWL/sqs  
Attachment  
cc: Price Field Office  
O:\007033.WCL\FINAL\WG3593\DEF\_WG3593\_KWL.DOC

**Deficiency List**  
**Task No. 3593**  
**Response to DO-04A**  
**Wildcat Loadout C/007/0033**

The members of the review team include the following individuals:

Priscilla Burton (PWB)	(435) 613-3733
Joe Helfrich (JCH)	(801) 538-5290
Pete Hess (PHH)	(435) 613-3731
Kevin Lundmark (KWL)	(801) 538-5352
Angela Nance (AN)	(801) 538-5264
Jim Smith (JDS)	(801) 538-5262

**R645-301-121.200 (JDS)** Section 711.100 (in the 3<sup>rd</sup> paragraph under Regional Groundwater Hydrology) makes reference to Figure VII-1, a generalized stratigraphic section located on page p. 7-46 of the current MRP. The C1/C2 form for the current submittal shows the entire Chapter 7 is to be replaced, but this figure is not in the submitted replacement material. The Permittee needs to assure that Figure VII-1 is included, with proper pagination, in the new Chapter 7.

**R645-301-521.163, -121.200 (JDS)** Section 645-301-510 makes two references (in the 3<sup>rd</sup> paragraph under Introduction and at the end of the 3<sup>rd</sup> paragraph under Cross Sections, Maps, and Plans) to Figure VII-2, an outdated location map located on page 7-47 of the current MRP. The C1/C2 form for the current submittal shows the entire Chapter 7 is to be replaced, but this figure is not in the submitted replacement material. The Permittee needs to either include an updated Figure VII-2, with proper pagination, in the new Chapter 7; or as an alternative, change the references in Section 645-301-510 from Figure VII-2 to another map that shows the referenced information, such as Plate 15.

**R645-301-521.163 (JDS)** The Permittee must delineate and identify the proposed bonded (disturbed) area on Plate 1-A; or, as an alternative, the statement in Section R645-301-830 - Determination of Bond Amount that "Bonded areas are shown on Plates 1, 1A, and 1B..." can be revised to omit Plate 1A.

**R645-301-423.200 (PWB)** The Permittee has described a quarterly monitoring plan to monitor the wind blown coal fine deposition on adjacent undisturbed soils (Appendix P), however, the MRP should state that the monitoring results will be included in the annual report and that the general approach of monitoring (depth assessment and location on a map) will be stated in the annual reporting.

**R645-301-121.200 (KWL)** The Permittee must make the following corrections to errata in the application:

- The list of Tabs preceding the Table of Contents does not list two appendices: Appendix B Part A-12 (BLM Right of Way Amendment No. 5, February 5, 2007) and

Appendix B Part C (Insurance). The Permittee should ensure that the list of Tabs and Table of Contents are complete and accurate.

- Plate 1 incorrectly identifies Consumers Road as State Highway 139. The label for State Highway 139 should be removed from Plate 1.
- All references to State Highway 139 should be removed from the MRP text (e.g., Section R645-301-114 page 1-10, Section R645-301-510 page 5-2).

**R645-301-113.300 (KWL)** The Violation History information included in Appendix B Part B should be corrected to address the following errors and omissions:

- **Centennial Mine (Permit C0070019)**

General Abatement actions are not listed (“terminated” is not an abatement action); missing “person issued to”

10040 Date issued is incorrect (should be 7/6/2009); description is inaccurate (should be “construction & operation of degasification wells); missing status description (terminated)

- **Crandall Canyon Mine (Permit C0150032)**

General Missing “person issued to”

10043 Missing abatement action and status description (terminated)

10044 Missing abatement action and status description (terminated)

10046 Missing abatement action and status description (terminated)

- **West Ridge Mine (Permit C0070041)**

General Abatement actions are not listed; missing “person issued to”

10033 Missing status information (“yes” is not a status)

10051 Missing status information (“yes” is not a status)

10052 Missing status information (“yes” is not a status)

- **Horse Canyon Mine (Permit C0070013)**

General Abatement actions are not listed; missing “person issued to”

10036 Status is incorrect (should be vacated)

10045 Missing NOV 10045 (Failure to Salvage and Store Topsoil)

**R645-301-112.330 (AN)** The Permittee must address the following discrepancies in Ownership and Control information:

- **Murray Energy Corporation**

1. The AVS database shows **Robert D. Moore, President** with a Begin Date of 4/23/07. This information is not listed in the submittal. *Please address this discrepancy.*

- **UtahAmerican Energy, Inc.**

1. The submittal indicates a Begin Date of 11/05/09 for **David W. Hibbs, Director**. This information does not match the Begin Date listed in AVS (12/11/09). *Please address this discrepancy with a Secretary's Certificate.*

- **Andalex Resources, Inc.**

1. The submittal shows **David W. Hibbs, President and Director** with a Begin Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal shows **Peter J. Vuljanic, Intern President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS.

- **AMCA Coal Leasing, Inc.**

1. The submittal indicates that **David W. Hibbs, President and Director** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Andalex Resources Management, Inc.**

1. The submittal indicates that **David W. Hibbs, President and Director** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President, CEO and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates a Begin Date of 8/18/06 for **Robert D. Moore, Treasurer** and **Michael O. McKown, Secretary**. The AVS shows a Begin Date of 12/16/06. *Please address this discrepancy with a Secretary's Certificate.*

- **Genwal Resources, Inc.**

1. The submittal indicates that **David W. Hibbs, President and Director** began on

12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President, CEO and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal shows a Begin Date of 08/18/06 for **Robert D. Moore, Treasurer and Michael O. McKown, Secretary**. The AVS database shows a Begin Date of 2/16/06. *Please address this discrepancy.*
5. The submittal shows an End Date of 08/18/06 for **Douglas H. Smith, Former Director**. AVS shows an End Date of 12/16/06. *Please address this discrepancy.*
6. The submittal shows an End Date of 05/17/05 for **John Bradshaw, VP**. AVS shows 05/18/05. *Please address this discrepancy.*

- **West Ridge Resources, Inc.**

1. The submittal indicates that **David W. Hibbs, President and Director** began on 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal shows **Peter J. Vuljanic, Interim President** with a Begin Date of 11/06/09 and an End Date of 12/11/09. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates an End Date of 11/05/09 for **P. Bruce Hill, President, CEO and Director**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal shows a Begin Date of 08/18/06 for **Robert D. Moore, Treasurer and Michael O. McKown, Secretary**. AVS shows a begin date of 12/16/06. *Please address this discrepancy with a Secretary's Certificate.*

- **AMCOAL Holdings, Inc.**

1. The submittal indicates an End Date of 10/03/09 for **P. Bruce Hill, V.P.** This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **The American Coal Sales Company**

1. The AVS indicates an End Date of 3/01/05 for **Edwin D. Lane, Vice President**. This information is not listed in the submittal. *Please address this discrepancy.*
2. The submittal indicates an End Date of 1/03/06 for **Duane A. Smith, Assistant Treasurer**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **American Compliance Coal, Inc.**

1. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Treasurer**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates that **Robert L. Putsock** is the **Assistant Treasurer** with a Begin Date of 6/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **American Energy Corporation**

1. The submittal indicates **Robert L. Putsock** is the **Assistant Treasurer** with a Begin Date of 1/27/04. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Anchor Longwall and Rebuild, Inc.**

1. The submittal indicates an End Date of 1/03/06 for **Duane A. Smith, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Avonmore Rail Loading, Inc.**

1. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates that **James R. Turner, Jr.** is the **Assistant Secretary** with a Begin Date of 5/31/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Belmont Coal, Inc.**

1. The submittal indicates that **Robert E. Murray** is a **Director** with a Begin Date of 12/15/06. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
2. The AVS indicates that **Robert D. Moore** is a **Director** with a Begin Date of 12/15/06. *Please address this discrepancy with a Secretary's Certificate.*

- **Canterbury Coal Company**

1. The submittal indicates that **James R. Turner, Jr.** is the **Assistant Secretary** with a Begin Date of 06/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*

- **Coal Resources Holdings Co.**

1. The submittal indicates a Begin Date of 3/01/05 for **Robert E. Murray, President**. The AVS shows a Begin Date of 6/27/03. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates a Begin Date of 1/28/05 for **Michael D. Loiacono, Treasurer**. The e AVS shows a Begin Date of 6/27/03. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates a Begin Date of 11/06/09 for **Michael O. McKown, Secretary**. The AVS shows a Begin Date of 11/01/05. *Please address this discrepancy with a Secretary's Certificate.*

- **Coal Resources, Inc.**

1. The submittal indicates a Begin Date of 6/27/03 for **Michael D. Loiacono, Treasurer**. The AVS shows a Begin Date of 1/28/05. *Please address this discrepancy with a Secretary's Certificate.*
2. The submittal indicates a Begin Date of 9/01/07 for **Robert D. Moore, Senior Vice President & CFO**. The AVS shows a Begin Date of 4/23/07. *Please address this discrepancy with a Secretary's Certificate.*
3. The submittal indicates a Begin Date of 7/16/07 for **Michael O. McKown, Vice President, General Counsel and Secretary**. The AVS shows a Begin Date of 11/01/05. *Please address this discrepancy with a Secretary's Certificate.*
4. The submittal indicates a Begin Date of 10/22/07 for **G. Christopher Van Bever, Assistant Secretary**. This date is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
5. The submittal indicates an End Date of 10/21/03 for **Robert E. Murray, Shareholder**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
6. The submittal indicates a Begin Date of 5/24/88 for **Robert E. Murray, Director**. The AVS shows a Begin Date of 1/29/88. *Please address this discrepancy with a Secretary's Certificate.*
7. The submittal indicates a Begin Date of 2/05 for **Henry W. Fayne, Director**. The AVS shows a Begin Date of 9/11/07. *Please address this discrepancy with a Secretary's Certificate.*
8. The submittal indicates a Begin Date of 2/05 for **Richard L. Lawson, Director**. The AVS shows a Begin Date of 9/11/07. *Please address this discrepancy with a Secretary's Certificate.*
9. The submittal indicates a Begin Date of 10/20/03 for **Andrew Weissman, Director**. The AVS shows a Begin Date of 9/11/07. Also, the submittal indicates an End Date of 8/27/09. This information is not in AVS. *Please address these discrepancies with a Secretary's Certificate.*

- **Consolidation Land Company**

1. The submittal shows **Robert L. Putsock, Assistant Secretary** with a Begin Date of 6/08/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
  2. The submittal indicates an End Date of 5/31/08 for **Elmer A. Mottillo, Assistant Secretary**. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
- **Energy Resources, Inc.**
    1. The submittal shows a Begin Date of 6/01/08 for **James R. Turner, Treasurer**. The AVS shows a Begin Date of 5/30/08. *Please address this discrepancy with a Secretary's Certificate.*
    2. The submittal shows a Begin Date of 4/03/91 for **Charles E. Shestak, Assistant Secretary**. The AVS shows a Begin Date of 7/16/91. *Please address this discrepancy with a Secretary's Certificate.*
  - **Maple Creek Mining, Inc.**
    1. AVS shows a Begin Date of 11/15/94 for **Robert E. Murray, Director**. This date is not shown in the submittal. *Please address this discrepancy.*
  - **Monvalley Transportation Center, Inc.**
    1. The submittal shows a Begin Date of 08/28/05 for **Robert E. Murray, Director**. AVS shows a Begin Date of 8/28/95. *Please address this discrepancy.*
  - **OhioAmerican Energy Incorporated**
    1. AVS shows an End Date of 7/15/09 for **Mark D. Nelson, Vice President**. This information is not shown in the submittal. *Please address this discrepancy.*
    2. The submittal indicates an End Date of 6/01/08 for **Elmer A. Mottillo, Assistant Treasurer**. The AVS shows an End Date of 6/30/08. *Please address this discrepancy.*
    3. The AVS shows **Charles Kapp, V.P., Manager** with a Begin Date of 7/15/07. This information is not in the submittal. *Please address this discrepancy.*
  - **Oneida Coal Company, Inc.**
    1. The submittal shows a Begin Date of 2/18/92 for **Robert E. Murray, Director**. The AVS shows a Begin Date of 2/28/92. *Please address this discrepancy.*
  - **PennAmerican Coal, Inc.**
    1. AVS shows **P. Bruce Hill, President** with a Begin Date of 06/25/01. This information is not in the submittal. *Please address this discrepancy.*

2. The submittal indicates that **Robert D. Moore** is **President** with a Begin Date of 8/28/07. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
- **Pennsylvania Transloading, Inc.**
    1. The submittal shows **Paul B. Piccolini** as **President** with a Begin Date of 4/28/06 and 9/01/08. This information is not in AVS. *Please address this discrepancy with a Secretary's Certificate.*
  - **Pinski Corp.**
    1. The submittal shows the President and General Manager as Vacant. AVS shows **P. Bruce Hill** in this position with a Begin Date of 09/05/00. *Please address this discrepancy.*
  - **Spring Church Coal Company**
    1. AVS shows a **P. Bruce Hill** as President with a Begin Date of 06/25/01. The submittal shows Robert D. Moore as President with a Begin Date of 05/26/07. *Please address this discrepancy.*
    2. AVS shows **Robert D. Moore** as Secretary with a Begin Date of 06/25/01. The submittal shows Michael O. McKown as Secretary with a Begin Date of 05/26/07. *Please address this discrepancy.*
    3. AVS shows **Elmer Mottillo** as Assistant Secretary with a Begin Date of 01/02/03. The submittal shows James R. Turner, Jr. as Assistant Secretary with a Begin Date of 06/01/08. *Please address this discrepancy.*
  - **TDK Coal Sales, Incorporated**
    1. The submittal indicates a Begin Date of 6/01/08 for **James R. Turner, Jr., Treasurer.** The AVS shows a Begin Date of 5/30/08. *Please address this discrepancy.*
  - **West Virginia Resources, Inc.**
    1. The submittal shows a Begin Date of 12/21/07 for **Charles Shestak, Vice President.** The AVS shows a Begin Date of 10/02/06. *Please address this discrepancy.*
  - **Murray American Energy, Inc.**
    1. This company is not listed in AVS. *Please address this discrepancy.*